



23 OCT 2007

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In re Application of
WIGCHERT, et al.

Application No.: 10/598,487

PCT No.: PCT/NL05/00158

Int. Filing Date: 03 March 2005

Priority Date: 03 March 2004

Attorney Docket No.: APV31959

For: LAMINATE

DECISION ON

REQUEST UNDER

37 CFR 1.497(d)

This decision is in response to applicant's "REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR 1.48(f)(1)" filed 05 July 2007 in the United States Patent and Trademark Office (USPTO). The request is being treated under 37 CFR 1.497(d). As explained in 37 CFR 1.48(f): "See §§ 1.41(a)(4) and 1.497(d) and (f) for submission of an executed oath or declaration to enter the national stage under 35 U.S.C. 371 naming an inventive entity different from the inventive entity set forth in the international stage." As authorized, the \$130.00 petition fee will be charged to deposit account number 19-4375.

BACKGROUND

On 03 March 2005, applicant filed international application PCT/NL05/00158, which claimed priority of an earlier application filed 03 March 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 03 September 2006.

On 31 August 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a First Preliminary Amendment.

On 11 May 2007, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 05 July 2007, applicant filed a declaration executed by the two inventors named on the published international application as well as a third individual, Carel Pieter Kleemans

accompanied by the present petition to add Carel Pieter Kleemans as an inventor in the above-identified application.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(h); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied items (2) and (3).

As to items (1) and (4), applicant has not included a statement from Carel Pieter Kleemans indicating that the error in inventorship occurred without any deceptive intention on his or her part nor has applicant included the written consent of the assignee, Corus Technology BV.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in black ink, appearing to read 'Derek A. Putonen', with a stylized flourish at the end.

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